

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAIMLER AG, a German corporation,
Plaintiff
v.
A-Z WHEELS LLC d/b/a USARim.CO
et al.,
Defendant

Case No.: 16-CV-875-JLS (MDD)

ORDER GRANTING MOTION TO WITHDRAW

(ECF No. 74)

Presently before the Court is a Motion by attorney Steven Lobbin seeking to withdraw as counsel of record for Defendants Ryan Moalemi and Josh Moalemi, (ECF No. 74). According to counsel, he “has not received any responsive communications from Defendant Ryan Moalemi or Defendant Josh Moalemi for nearly a year.” (*Id.* at 2.) He states he “no longer has the ability to represent them or speak or act on their behalf.” (*Id.*) Mr. Lobbin also represents Defendant Russ Moalemi in this matter, who is the father of Ryan and Josh Moalemi. The father and sons are estranged. Mr. Lobbin has no physical addresses for Ryan or Josh and only has email addresses to them. He sent his Motion to Withdraw to both email addresses. (*Id.*)

An attorney may not withdraw as counsel except by leave of court, *Darby v. City of Torrance*, 810 F. Supp. 275, 276 (C.D. Cal. 1992), and “[t]he decision to grant or deny

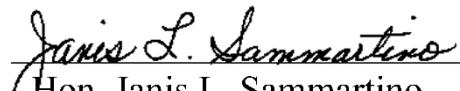
1 counsel's motion to withdraw is committed to the discretion of the trial court." *LaGrand*
2 *v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998); *see also* Civ. L. R. 83.3(g)(3). In ruling
3 on a motion to withdraw as counsel, courts consider: (1) the reasons why withdrawal is
4 sought; (2) the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal
5 might cause to the administration of justice; and (4) the degree to which withdrawal will
6 delay the resolution of the case. *Irwin v. Mascott*, No. C 97-4737 JL, 2004 U.S. Dist.
7 LEXIS 28264, at *4 (N.D. Cal. Dec. 1, 2004). Pursuant to Southern District of California
8 Local Rule 83.4(b), each attorney "permitted to practice in this court shall be familiar with
9 and comply with the standards of professional conduct required by the members of the
10 State Bar of California." Civ. L. R. 83.4(b). Counsel in this Court may withdraw as the
11 attorney of record if the client's "conduct renders it unreasonably difficult for the member
12 to carry out the employment effectively." Cal. R. Prof'l Conduct 3-700(C)(1)(d).

13 After considering the above factors, the Court **GRANTS** the Motion to Withdraw.
14 Mr. Lobbin shall provide Ryan and Josh Moalemi with a copy of this Order at any and all
15 addresses and e-mail addresses he has for them.

16 The Court advises Ryan and Josh Moalemi that until they retain new counsel, they
17 are proceeding in this matter pro se, and therefore they must provide the Court with their
18 current contact information, including telephone number, mailing address, and email
19 address, so that the docket of this case may be amended accordingly.

20 **IT IS SO ORDERED.**

21 Dated: March 27, 2018


22 Hon. Janis L. Sammartino
23 United States District Judge

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